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7 United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
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11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 v.
14 Plaintiff,

15 BRENDA VILLA,

16 Defendant.

17 CASE NO. 2:22-CR-245 WBS

18 STIPULATION REGARDING EXCLUDABLE
19 TIME PERIODS UNDER SPEEDY TRIAL ACT;
20 ORDER

21
22
23 STIPULATION

24 Plaintiff United States of America, by and through its counsel of record, and defendant Brenda
25 Villa, by and through defendant's counsel of record, hereby stipulate as follows:

26 1. During the week of July 11, 2023, the government tried the defendant on the five counts
27 in the Indictment. On July 17, 2023, the jury returned a guilty verdict on Count Five. On the remaining
28 four counts, the Court declared a mistrial after the jury informed the Court that it could not reach a
unanimous verdict on those counts.

29 2. Subsequently, defense counsel, Mr. Hintz, filed a motion for judgment of acquittal of all
30 counts and requested that he be relieved as counsel. ECF Nos. 61 & 62.

31 3. The Court then held a hearing on July 24, 2023, at which it granted defense counsel's
32 request to be relieved, and it appointed new defense counsel, Mr. Price. During the hearing, the
33 government also expressed its intention to retry the hung counts. ECF No. 63.

1 4. On July 27, 2023, the parties again appeared before the Court to discuss whether defense
2 counsel wanted the opportunity to supplement the previously filed motion for judgment of acquittal and
3 the setting of a new trial. After defense counsel requested the ability to supplement the motion, the
4 Court set a briefing schedule on the motion and a corresponding hearing date. The Court also set a new
5 trial date of December 12, 2023, at defense counsel's request. Defense counsel informed the Court that
6 he would need time up and through December 12th to review the discovery in this case, along with the
7 prior trial's transcripts, so he could supplement the motion and otherwise prepare for the new trial.

8 5. Based on that representation by defense counsel, the government requested that the Court
9 exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq. (Local Code T-4), within which
10 retrial must commence, *i.e.*, the time period of July 27, 2023, to December 12, 2023, inclusive, to
11 provide defense counsel with time to supplement the motion and prepare for the retrial of the case.
12 Defense counsel agreed that a finding excluding time for his preparation was warranted, and the Court
13 excluded time for defense preparation.

14 6. The parties now submit a written stipulation and proposed order to memorialize the
15 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 (Local Code T-4).

16 7. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19 IT IS SO STIPULATED.

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21 Dated: July 27, 2023

PHILLIP A. TALBERT
United States Attorney

23 _____
24 /s/ ROSANNE RUST
25 ROSANNE L. RUST
26 MICHAEL D. ANDERSON
27 Assistant United States Attorneys

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29 Dated: July 27, 2023

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31 /s/ JEROME PRICE
32 JEROME PRICE
33 Counsel for Defendant
34 Brenda Villa

1 **ORDER**
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4 IT IS SO FOUND AND ORDERED.
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7 Dated: July 27, 2023
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11 **WILLIAM B. SHUBB**
12 **UNITED STATES DISTRICT JUDGE**
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